

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE	:	CHAPTER 13
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CYDMARIE TORRES	:	CASE NO: 15-10036JKF
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Debtor	:	
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**DEBTOR'S RESPONSE TO TRUSTEE'S MOTION TO DISMISS**

The Debtor, through counsel, responds to the motion of William C. Miller, Esquire, Chapter 13 Standing Trustee (the "Trustee"), to dismiss (the "Motion") as follows:

1. The Motion asserts that Debtor is not making payments.
2. While the Trustee's practice of form pleading does not specify what payments are not being paid, he is in fact referring to the special tax refund payments required under ¶ II.B of the confirmed plan. Specifically, Debtor should have paid \$7,654 to the Trustee from her 2015 federal tax refund. Instead Debtor only paid \$3,500. Debtor does not dispute this fact.
3. As stated in the Motion to Modify Plan Post-Confirmation, following confirmation Debtor got married to a spouse who was not employed and monthly living expenses have proven higher than expect. In addition, Debtor was terminated from her job. However, Debtor's husband is now employed.
4. The Debtor's motion and proposed modified plan, the Third Amended, provides for:  
(1) higher monthly plan payments, which will recoup the missed tax refund (and future minimum tax refund payments that were essential for feasibility); (2) still provides that future tax refunds in excess of \$1,200 will be paid into the plan; and (3) requires Debtor to file a new motion to modify when she obtains new employment or exhausts unemployment benefits.